

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) CRIMINAL NO. 04-10361-NG
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JOHN HANDY)

**GOVERNMENT'S SUMMARY OF TESTIMONY TO
BE OFFERED UNDER FED. R. EVID. 702**

The United States of America, by United States Attorney Michael J. Sullivan and Assistant United States Attorney Antoinette E.M. Leoney, pursuant to Fed. R. Crim. P. 16(a)(1)(G), respectfully submits this summary of expert testimony it expects to elicit at trial and the qualifications of the testifying witnesses.

1. ATF Special Agent Angelo A. Thurman

A. Summary of Anticipated Testimony

Special Agent Angelo A. Thurman conducted an examination to determine the origin of the of ammunition, namely, Remington Peters, Winchester and Super Vel, that the defendant is charged with unlawfully possessing.

Special Agent Thurman is expected to testify that two rounds of ammunition bearing head stamp "R-P 38 SPL" were manufactured by Remington in Bridgeport, CT, or Lonoke, AK; that two rounds of ammunition bearing stamp "WRA 38 SPL" were manufactured by Winchester in Bridgeport, CT; that the one round of ammunition bearing head stamp "Super Vel 38 SPL" was manufactured in Shelbyville, IN, and that cartridge cases for Super Vel were also

manufactured by Federal Cartridge Company, Anoka, MN and Serra located in California and Missouri, and therefore all of the ammunition crossed international and/or state boundary lines prior to June 2, 2004. Special Agent Thurman will also testify that all of the items are ammunition as defined by federal law.

B. Qualifications and Bases for Opinions

Angelo A. Thurman is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") in the city of Boston. As a Special Agent, his duties include the investigation of violations of the Gun Control Act of 1968 and the National Firearms Act of 1934.

Special Agent Thurman has been an agent for 15 years, and is assigned to the Boston Field Division of the ATF. As such, Special Agent Thurman has investigated hundreds of firearms and ammunition related crimes and numerous arson and explosive crimes. In addition, he has rendered advice and assistance to law enforcement officers employed by Federal, State, County and local police agencies as well as ATF Special Agents concerning the origin of firearms and ammunition.

Special Agent Thurman examines and conducts test of firearms and ammunition that are obtained as evidence in criminal cases. He prepares reports relating to the identification, origin and classification of firearms under the provisions of federal law.

Special Agent Thurman has access to the records of all licensed firearms and ammunition manufacturers in the United

States as well as all licensed firearms and ammunition importers in the United States.

Special Agent Thurman has examined police reference collections of firearms and ammunition at the Massachusetts State Police, Boston Police Department and the ATF Firearms Reference Collection, ATF Headquarters, Washington D.C.

In the performance of his duties, Special Agent Thurman has examined hundreds of firearms, conferred with other experts on a regular basis, reviewed ATF publications and other firearms publications and periodicals, all of which lend to his expertise in the movement of firearms and ammunition in interstate commerce.

Special Agent Thurman has received specialized training in the origin, function and working requirements relative to the documentation of the history of various firearms. This training includes study at the following: Criminal Investigator School, Federal Law Enforcement Training Center, Glynco, Georgia; National Academy Training, Federal Law Enforcement Training Center, Glynco, Georgia; Firearms Trafficking Investigation School, Jacksonville, Florida; Firearms Interstate Nexus Training, Washington, D.C.; Advanced Firearm Interstate Nexus Training, New England.

Special Agent Thurman has also received formal training in the manufacturing and markings of firearms from New England manufacturers such as: Smith & Wesson, Harrington & Richardson,

Marlin, Colt, Savage Arms, and Stevens Arms.

2. Massachusetts State Trooper John H. Conroy III

A. Summary of Anticipated Testimony

Massachusetts State Trooper John H. Conroy III conducted ballistics examinations of the Smith and Wesson, .38 caliber revolver, bearing serial number K182972, and the six rounds of ammunition, namely, the three rounds of Remington Peters, two rounds of Winchester and one round of Super Vel, that the defendant is charged with unlawfully possessing, and prepared a ballistic report for the firearm and ammunition (copies of which were provided to defense counsel as automatic discovery). Trooper Conroy is expected to testify as to the results of his test-firing of the Smith and Wesson .38 caliber revolver.

Based on the successful test-firing of the Smith and Wesson .38 caliber revolver, Trooper Conroy is expected to opine that it is a weapon designed to expel a projectile by the action of an explosive, and, thus, is a firearm. Trooper Conroy is also expected to testify that all of the ammunition for which the defendant is charged with unlawfully possessing, are indeed ammunition.

B. Qualifications and Bases for Opinions

John H. Conroy III is a Trooper with the Massachusetts State Police, Ballistics Section. He has been a Massachusetts State Trooper since 1994, and has served in the Ballistics Unit since 2001.

Trooper Conroy received his *Master of Science-Criminal Justice* from Western New England College, Springfield, MA, in 1995. He received his *Bachelor of Arts-Economics* from Boston College, Chestnut Hill, MA, in 1989. Trooper Conroy graduated from the State Police Academy in 1994.

Trooper Conroy's current duties include responding to crime scenes, gathering and preserving firearms and firearms related evidence; attending autopsies; observing wounds and receiving evidence projectiles from the Medical Examiner's Office; conducting test firings of suspect weapons including distance type pattern tests when requested; performing microscopic examinations of recovered evidence against test specimens from suspect weapon routine test firing of weapons to determine function capability.

Trooper Conroy has examined and/or test fired in excess of 1,000 different weapons. He has conducted upwards of 500 microscopic comparison examinations. He has also participated in numerous fatal shooting investigations, many of those being homicides. Trooper Conroy has been qualified as an expert in Firearms Identification. He has testified numerous times in Massachusetts Superior Courts in Barnstable, Bristol, Norfolk, Middlesex and Plymouth Counties.

The Firearms Identification Section uses various references, including material from the Sturm, Rugers Armorers' School, the Glock Armorers' School, and the Remington Armorers' School.

In 2003, Trooper Conroy attended a continuing education course at the Smith and Wesson Armorers' School, Springfield, MA, which was designed to teach participants how weapons are manufactured and assembled. This was an essential course since a major responsibility of a Firearms Identification examiner is to identify the toolmarks which are imparted upon a weapon during the manufacturing process. It is those toolmarks created during the manufacturing that produce the microscopic differences that a Firearms Identification examiner looks for during microscopic examinations.

In 2004, Trooper Conroy attended a continuing education course at the Glock Armorers' School, which was designed to instruct Firearms Identification examiners how to assemble and function their weapons expertly.

In 2004, Trooper Conroy attended a continuing education course offered by Colt Defense Industries at the Massachusetts State Police Academy, New Braintree, MA, which was designed to instruct Firearms Identification examiners how to assemble and function their weapons expertly.

Trooper Conroy has received several honors, including a Certificate of Accomplishment in recognition of the Massachusetts State Police partnership to create a safer society using the National Integrated Ballistic Information Network system (2005); Division Commander's Commendation for Implementation of the National Integrated Ballistic Information Network ("NIBIN")

(2003); Commonwealth Performance Recognition Citation for Outstanding Performance (2003).

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Date: May 3, 2007

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
May 3, 2007

I, Antoinette E.M. Leoney, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing, by hand and electronic court filing notice, upon Timothy Watkins, Esq., Federal Defender Office, Boston, MA 02210.

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney